

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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DAVID McCANE,  
Plaintiff,

v.

**SUMMONS  
IN A CIVIL ACTION**

Correction Officers D. WILKOWSKI, MASUCCI, T. BUNN,  
FLINCH, HILLMAN, and Sergeant APPLEBERRY, in their  
individual capacities,

Index No. \_\_\_\_\_

Defendants,

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TO:

Correction Officer Flinch  
Gowanda Correctional Facility  
South Road P.O. Box 350  
Gowanda, New York 14070-0350

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the Plaintiff an answer to the attached Complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

David Bentivegna, Esq., Senior Staff Attorney  
Prisoners' Legal Services of New York  
14 Lafayette Square, Suite 510  
Buffalo New York, 14203

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF THE COURT*

DATED: \_\_\_\_\_